

State of California  
BOARD OF EQUALIZATION

## SALES AND USE TAX REGULATIONS

### Regulation 1603. TAXABLE SALES OF FOOD PRODUCTS.

References: Sections 6006, 6012, 6359, 6359.1, 6359.45, 6361, 6363, 6363.5, 6363.6, 6370, 6373, 6374, and 6376.5, Revenue and Taxation Code.

Food Products Generally, see Regulation 1602.

Alcoholic Beverages, tax reimbursement when served with, see Regulation 1700.

"Free" meals with purchased meals, see Regulation 1670.

Meals served to patients and inmates of an institution, see Regulation 1503.

Vending Machines, when considered selling meals, see Regulation 1574. Meals at summer camps, see Regulation 1506 (e).

Parent-Teacher associations as consumers, see Regulation 1597.

#### **(a) RESTAURANTS, HOTELS, BOARDING HOUSES, SODA FOUNTAINS, AND SIMILAR**

**ESTABLISHMENTS.** The term "boarding house" as used in this regulation means any establishment regularly serving meals, on the average to five or more paying guests. The term includes a "guest home," "residential care home," "halfway house," and any other establishment providing room and board or board only, which is not an institution as defined in Regulation 1503 and section 6363.6 of the Revenue and Taxation Code. The fact that guests may be recipients of welfare funds does not affect the application of tax. A person or establishment furnishing meals on the average to fewer than five paying guests during the calendar quarter is not considered to be engaged in the business of selling meals at retail.

Tax applies to sales of meals or hot prepared food products (see (e) below) furnished by restaurants, concessionaires, hotels, boarding houses, soda fountains, and similar establishments whether served on or off the premises. In the case of American Plan hotels and boarding houses, a reasonable segregation must be made between the charges for rooms and the charges for meals or hot prepared food products. Charges by hotels or boarding houses for delivering meals or hot prepared food products to, or serving them in, the rooms of guests are includable in the measure of tax on the sales of the meals or hot prepared food products whether or not the charges are separately stated. (Caterers, see (h) below.)

Souffle cups, straws, paper napkins, toothpicks and like items that are not of a reusable character which are furnished with meals or hot prepared food products are sold with the meals or hot prepared food products. Sales of such items for such purpose to persons engaged in the business of selling meals or hot prepared food products are, accordingly, sales for resale.

**(b) "DRIVE-INS."** Tax applies to sales of food products ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the "drive-in" establishment, even though such products are sold on a "take-out" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer. Food products when sold in bulk, i.e., in quantities or in a form not suitable for consumption on the retailer's premises, are not regarded as ordinarily sold for immediate consumption on or near the location at which parking facilities are provided by the retailer. Accordingly, with the exception of sales of hot prepared food products (see (e) below), and sales of cold food under the 80 - 80 rule (see (c) below), ice cream, doughnuts, and other individual food items sold in quantities obviously not intended for consumption on the retailer's premises, sold without eating utensils, trays or dishes and not consumed on the retailer's premises, are exempt from tax. Any retailer claiming a deduction on account of food sales of this type must support the deduction by complete and detailed records.

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<sup>1</sup> The records acceptable in support of such a deduction are:

- (a) A sales ticket prepared for each transaction claimed as being tax exempt showing:
  - (1) Date of the sale,
  - (2) The kind of merchandise sold,
  - (3) The quantity of each kind of merchandise sold,
  - (4) The price of each kind of merchandise sold,
  - (5) The total price of merchandise sold,
  - (6) A statement to the effect that the merchandise purchased is not to be consumed on or near the location at which parking facilities are provided by the retailer, and
- (b) A daily sales record kept in sufficient detail to permit verification by audit that all gross receipts from sales have been accounted for and that all sales claimed as being tax exempt are included therein.

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**(c) COLD FOOD SOLD ON A "TAKE-OUT" ORDER.**

**(1) GENERAL.**

**(A) Seller Qualifying Under the 80 - 80 Rule.** When a seller qualifies under the provisions of subdivision (c) (3) below (80 - 80 rule), tax applies to sales of cold food products (including sales for a separate price of hot bakery goods and hot beverages such as coffee) in a form suitable for consumption on the seller's premises even though such food products are sold on a "take-out" or "to go" order. Sales of cold food products which are suitable for consumption on the seller's premises are subject to the tax no matter how great the quantity purchased, e.g., 40 one-half pint containers of milk. Except as provided elsewhere in this regulation, tax does not apply to sales of food products which are furnished in a form not suitable for consumption on the seller's premises.

**(B) Seller Not Qualifying Under the 80 - 80 Rule.** When a seller does not qualify under the provisions of subdivision (c) (3) below (80 - 80 rule), tax does not apply to sales of cold food products (including sales for a separate price of hot bakery goods and hot beverages such as coffee) when sold on a "take-out" or "to go" order.

**(2) DEFINITION.** For purposes of this subdivision (c), the term "suitable for consumption on the seller's premises" means food products furnished:

**(A)** in a form which requires no further processing by the purchaser, including but not limited to cooking, heating, thawing, or slicing, and

**(B)** in a size which ordinarily may be immediately consumed by one person such as a pint of ice cream, a pint of milk, or a slice of pie. Cold food products furnished in containers larger in size than a pint are not considered to be in a form suitable for immediate consumption.

Pieces of candy sold in bulk quantities of one pound or greater, however, are deemed to be sold in a form not suitable for consumption on the seller's premises.

The term does not include cold food products which obviously would not be consumed on the premises of the seller, e.g., a cold party tray or a whole cold chicken.

**(3) 80 - 80 RULE.** Tax applies under this subdivision only if the seller meets ~~both~~ of the following criteria:

**(A)** more than 80 percent of the seller's gross receipts are from the sale of food products, and

**(B)** more than 80 percent of the seller's retail sales of food products are taxable as provided in either (a), (b), (e), or (f) of this regulation.

Any seller meeting both of these criteria and claiming a deduction for the sale of cold food products in a form not suitable for consumption on the seller's premises must support the deduction by complete and detailed records of such sales made.

**(d) PLACES WHERE ADMISSION IS CHARGED.**

**(1) GENERAL.** Tax applies to sales of food products when sold within, and for consumption within, a place the entrance to which is subject to an admission charge, during the period when the sales are made, except for national and state parks and monuments, and marinas, campgrounds, and recreational vehicle parks.

**(2) DEFINITIONS.** for the purpose of this subdivision (c), the term "suitable for consumption on the seller's premises" means food products furnished:

**(A)** "Place" means an area the exterior boundaries of which are defined by walls, fences or otherwise in such a manner that the area readily can be recognized and distinguished from adjoining or surrounding property. Examples include buildings, fenced enclosures and areas delimited by posted signs.

**(B)** "Within a place" means inside the door, gate, turnstile, or other point at which the customer must pay an admission charge or present evidence, such as a ticket, that an admission charge has been paid. Adjacent to, or in close proximity to, a place is not within a place.

**(C)** "Admission charge" means any consideration required to be paid in money or otherwise for admittance to a place. "Admission charge" does not include:

1. Membership dues in a club or other organization entitling the member to, among other things, entrance to a place maintained by the club or organization, such as a fenced area containing a club house, tennis courts, and a swimming pool. Where a guest is admitted to such a place only when accompanied by or vouched for by a member of the club or organization, any charge made to the guest for use of facilities in the place is not an admission charge.

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2. A charge for a student body card entitling the student to, among other things, entrance to a place, such as entrance to a school auditorium at which a dance is held.

3. A charge for the use of facilities within a place to which no entrance charge is made to spectators. For example, green fees paid for the privilege of playing a golf course, a charge made to swimmers for the use of a pool within a place, or a charge made for the use of lanes in a public bowling place.

**(D)** “National and state parks and monuments” means those which are part of the National Park System or the State Park System. The phrase does not include parks and monuments not within either of those systems, such as city, county, regional, district or private parks.

**(3) PRESUMPTION THAT FOOD IS SOLD FOR CONSUMPTION WITHIN A PLACE.** When food products are sold within a place that entrance to which is subject to an admission charge, it will be presumed, in the absence of evidence to the contrary, that the food products are sold for consumption within the place. Obtaining and retaining evidence in support of the claimed tax exemption is the responsibility of the retailer. Such evidence may consist, for example, of proof that the sales were of canned jams, cake mixes, spices, cooking chocolate, or other items in a form in which it is unlikely that such items would be consumed within the place where sold.

**(4) FOOD SOLD TO STUDENTS.** The exemption otherwise granted by section 6363 does not apply to sales of food products to students when sold within, and for consumption within, a place the entrance to which is subject to an admission charge, and such sales are subject to tax except as provided in (p) of this regulation. For example, when food products are sold by a student organization to students or to both students and nonstudents within a place the entrance to which is subject to an admission charge, such as a place where school athletic events are held, the sales to both students and nonstudents are taxable.

**(e) HOT PREPARED FOOD PRODUCTS.**

**(1) GENERAL.** Tax applies to all sales of hot prepared food products unless otherwise exempt. “Hot prepared food products” means those products, items, or components which have been prepared for sale in a heated condition and which are sold at any temperature which is higher than the air temperature of the room or place where they are sold. The mere heating of a food product constitutes preparation of a hot prepared food product, e.g., grilling a sandwich, dipping a sandwich bun in hot gravy, using infra-red lights, steam tables, etc. If the sale is intended to be of a hot food product, such sale is of a hot food product regardless of cooling which incidentally occurs. For example, the sale of a toasted sandwich intended to be in a heated condition when sold, such as a fried ham sandwich on toast, is a sale of a hot prepared food product even though it may have cooled due to delay. On the other hand, the sale of a toasted sandwich which is not intended to be in a heated condition when sold—such as a cold tuna sandwich on toast, is not a sale of a hot prepared food product. When a single price has been established for a combination of hot and cold food items, such as a meal or dinner which includes cold components or side items, tax applies to the entire established price regardless of itemization on the sales check. The inclusion of any hot food product in an otherwise cold combination of food products sold for a single established price, results in the tax applying to the entire established price, e.g., hot coffee served with a meal consisting of cold food products, when the coffee is included in the established price of the meal. If a single price for the combination of hot and cold food items is listed on a menu, wall sign, or is otherwise advertised, a single price has been established. Except as otherwise provided in (b), (c), (d) or (f) of this regulation, or in Regulation 1574, tax does not apply to the sale for a separate price of bakery goods, beverages classed as food products, or cold or frozen food products. Hot bakery goods and hot beverages such as coffee are hot prepared food products but their sale for a separate price is exempt unless taxable as provided in (b), (c), (d) or (f) of this regulation, or in Regulation 1574. Tax does apply if a hot beverage and a bakery product or cold food product are sold as a combination for a single price. Hot soup, bouillon, or consomme is a hot prepared food product which is not a beverage.

**(2) AIR CARRIERS ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.** Tax does not apply to the sale, storage, use, or other consumption of hot prepared food products sold by caterers or other vendors to air carriers engaged in interstate or foreign commerce for consumption by passengers on such air carriers, nor to the sale, storage, use or other consumption of hot prepared food products sold or served to passengers by air carriers engaged in interstate or foreign commerce for consumption by passengers on such air carriers. “Air carriers” are persons or firms in the business of transporting persons or property for hire or compensation, and include both common and contract carriers. “Passengers” do not include crew members. Any caterer or other vendor claiming the exemption must support it with an exemption certificate from the air carrier substantially in the form prescribed in Appendix A of this regulation.

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**(f) FOOD FOR CONSUMPTION AT FACILITIES PROVIDED BY THE RETAILER.** Tax applies to sales of sandwiches, ice cream, and other foods sold in a form for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others.

A passenger's seat aboard a train, or a spectator's seat at a game, show, or similar event is not a "chair" within the meaning of this regulation. Accordingly, except as otherwise provided in (c), (d), and (e) above, tax does not apply to the sale of cold sandwiches, ice cream, or other food products sold by vendors passing among passengers or spectators where the food products are not "for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware provided by the retailer."

**(g) TIPS AND SERVICE CHARGES.** No employer shall collect, take, or receive any gratuity or a part thereof, paid, given to, or left for an employee by a patron, or deduct any amount from wages due an employee on account of such gratuity, or require an employee to credit the amount, or any part thereof, of such gratuity against and as a part of the wages due the employee from the employer. (Labor Code Section 351.) If this prohibition is violated, any amount of such gratuities received by the employer will be considered a part of the gross receipts of the employer and subject to the tax.

Amounts designated as service charges, added to the price of meals, are a part of the selling price of the meals and accordingly, must be included in the retailer's gross receipts subject to tax even though such service charges are made in lieu of tips and are paid over by the retailer to employees.

**(h) CATERERS.** The term "caterer" as used in this regulation means a person engaged in the business of serving meals, food and drinks on the premises of the customers but does not include employees hired by the hour or day.

Tax applies to the entire charges made by caterers for serving meals, food, and drinks, inclusive of charges for food, the use of dishes, silverware, glasses, chairs, tables, etc., used in connection with serving meals, and for the labor of serving the meals, whether performed by the caterer, the caterer's employees or subcontractors. Tax applies to charges made by caterers for preparing and serving meals and drinks even though the food is not provided by the caterers. Tax applies to charges made by caterers for hot prepared food products as in (e) above whether or not served by the caterers. Tax does not apply to charges made by caterers for the rental of dishes, silverware, glasses, etc., purchased by the caterer with tax paid on the purchase price if no food is provided or served by the caterers in connection with such rental.

Sales of meals by caterers to social clubs, fraternal organizations or other persons are sales for resale if such social clubs, fraternal organizations, or other persons are the retailers of the meals subject to tax under (i) below and give valid resale certificates therefor.

**(i) SOCIAL CLUBS AND FRATERNAL ORGANIZATIONS.** "Social Clubs and Fraternal Organizations" as used herein include any corporation, partnership, association or group or combination acting as a unit, such as service clubs, lodges, and community, country, and athletic clubs.

The tax applies to receipts from the furnishing of meals, food, and drink by social clubs and fraternal organizations unless furnished: (1 ) exclusively to members; and also, (2) less frequently than once a week. Both these requirements must be met. If the club or organization furnishes meals, food or drink to nonmembers, all receipts from the furnishing of meals, food or drink are subject to tax whether furnished to members or nonmembers, including receipts on occasions when furnished exclusively to members. Meals, food or drink paid for by members are considered furnished to them even though consumed by guests who are not members.

**(j) STUDENT MEALS.**

**(1) DEFINITIONS.**

(A) **"Food Products".** As used herein, the term "food products" as defined in Regulation 1602 (18 CCR 1602) includes food furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer or by a person with whom the retailer contracts to furnish, prepare or serve food to others.

(B) **"Meals".** As used herein, the term "meals" includes both food and nonfood products which are sold to students for an established single price at a time set aside for meals. If a single price for the combination of a nonfood product and a food product is listed on a menu or on a sign, a single price has been established. The term "meals" does not include nonfood products which are sold to students for a separate price and tax applies

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to the sales of such products. Examples of nonfood products are: carbonated beverages and beer. For the purpose of this regulation, products sold at a time designated as a "nutrition break", "recess", or similar break, will be not considered "meals".

**(2) APPLICATION OF TAX.**

**(A) Sales by Schools, School Districts and Student Organizations.** Sales of meals or food products for human consumption to students of a school by public or private schools, school districts, and student organizations are exempt from tax, except as otherwise provided in (d)(4) above.

**(B) Sales by Parent-Teacher Associations/Organizations.** Tax does not apply to the sale of, nor the storage, use or other consumption in this state of, meals and food products for human consumption furnished or served to the students of a school by parent-teacher associations. Parent-teacher associations qualifying under Regulation 1597 as consumers are not retailers of tangible personal property which they sell. Accordingly, tax does apply to the sale to such associations of nonfood items such as snack foods, carbonated beverages, containers, straws and napkins.

**(C) Sales By Blind Vendors.** Tax does not apply to the sale of meals or food products for human consumption to students of a school by any blind person (as defined in Section 19153 of the Welfare and Institutions Code) operating a restaurant or vending stand in an educational institution under Article 5 of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code, except as otherwise provided in (d) (4) above.

**(k) EMPLOYEES' MEALS.**

**(1) IN GENERAL.** Any employer or employee organization that is in the business of selling meals, e.g., a restaurant, hotel, club, or association, must include its receipts from the sales of meals to employees, along with its receipts from sales to other purchasers of meals, in the amount upon which it computes its sales tax liability. An employer or an employee organization selling meals only to employees becomes a retailer of meals and liable for sales tax upon its receipts from sales of meals if it sells meals to an average number of five or more employees during the calendar quarter.

**(2) SPECIFIC CHARGE.** The tax applies only if a specific charge is made for the meals. Tax does not apply to cash paid an employee in lieu of meals. A specific charge is made for meals if:

- (A) Employee pays cash for meals consumed.
- (B) Value of meals is deducted from employee's wages.
- (C) Employee receives meals in lieu of cash to bring compensation up to legal minimum wage.
- (D) Employee has the option to receive cash for meals not consumed.

**(3) NO SPECIFIC CHARGE.** If no specific charge is made for meals, the employer is the consumer of food products purchased and the sale of food products to him or her is not subject to the tax. If nonfood items are furnished with the meals, such as cigarettes and soft drinks, the tax applies to the sale of such products to the employer.

In the absence of any of the conditions under (k)(2) a specific charge is not made if:

(A) A value is assigned to meals as a means of reporting the fair market value of employees' meals pursuant to state and federal laws or regulations or union contracts.

(B) Employees who do not consume available meals have no recourse on their employer for additional cash wages.

(C) Meals are generally available to employees, but the duties of certain employees exclude them from receiving the meals and are paid cash in lieu thereof.

**(4) MEALS CREDITED TOWARD MINIMUM WAGE.** If an employee receives meals in lieu of cash to bring his compensation up to the legal minimum wage, the amount by which the minimum wage exceeds the amount otherwise paid to the employee is includable in the employer's taxable gross receipts up to the value of the meals credited toward the minimum wage.

For example, if the minimum rate for an eight-hour day is \$13.20, and the employee received \$12.20 in cash, and a lunch is received which is credited toward the minimum wage in the maximum allowable amount of \$1.00, the employer has received gross receipts in the amount of \$1.00 for the lunch.

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(5) **TAX REIMBURSEMENT.** If a separately stated amount for tax reimbursement is not added to the price of meals sold to employees for which a specific charge is made, the specific charge will be regarded as being a tax-included charge for meals.

**(l) RELIGIOUS ORGANIZATIONS.** Tax does not apply to sales of meals and food products for human consumption furnished or served by any religious organization at a social or other gathering conducted by it or under its auspices, if the purpose in furnishing or serving the meals and food products is to obtain revenue for the functions and activities of the organization and the revenue obtained from furnishing or serving the meals and food products is actually used in carrying on such functions and activities. For the purposes of this regulation, "religious organization" means any organization the property of which is exempt from taxation pursuant to subdivision (f) of Section 3 of Article XIII of the State Constitution.

**(m) INSTITUTIONS.** Tax does not apply to the sale of, nor the storage, use, or other consumption in this state of, meals and food products for human consumption furnished or served to and consumed by patients or residents of an "institution" as defined in Regulation 1503.

**(n) MEAL PROGRAMS FOR LOW-INCOME ELDERLY PERSONS.** Tax does not apply to the sale of, and the storage, use or other consumption in this state of, meals and food products for human consumption furnished or served to low-income elderly persons at or below cost by a nonprofit organization or governmental agency under a program funded by this state or the United States for such purposes.

**(o) FOOD PRODUCTS AND NONALCOHOLIC BEVERAGES AND OTHER TANGIBLE PERSONAL PROPERTY TRANSFERRED BY NONPROFIT YOUTH ORGANIZATIONS .** See Regulation 1597 (d) for application of tax on food products, nonalcoholic beverages and other tangible personal property transferred by nonprofit youth organizations.

**(p) NONPROFIT PARENT-TEACHER ASSOCIATIONS.** Nonprofit parent-teacher associations and equivalent organizations qualifying under Regulation 1597 (g) are consumers and not retailers of tangible personal property which they sell.

**(q) MEALS AND FOOD PRODUCTS SERVED TO CONDOMINIUM RESIDENTS .** Tax does not apply to the sale of and the storage, use, or other consumption in this state of meals and food products for human consumption furnished to and consumed by persons 62 years of age or older residing in a condominium and who own equal shares in a common kitchen facility; provided, that the meals and food products are served to such persons on a regular basis.

This exemption is applicable only to sales of meals and food products for human consumption prepared and served at the common kitchen facility of the condominium. Tax applies to sales to persons less than 62 years of age.

**(r) "FREE" MEALS.** When a restaurant agrees to furnish a "free" meal to a customer who purchases another meal and presents a coupon or card, which the customer previously had purchased directly from the restaurant or through a sales promotional agency having a contract with the restaurant to redeem the coupons or cards, the restaurant is regarded as selling two meals for the price of one, plus any additional compensation from the agency or from its own sales of coupons. Any such additional compensation is a part of its taxable gross receipts for the period in which the meals are served.

Tax applies only to the price of the paid meal plus any such additional compensation.

**(s) FOOD STAMP COUPONS.** Tax does not apply to tangible personal property which is eligible to be purchased with federal food stamp coupons acquired pursuant to the Food Stamp Act of 1977 and so purchased. When payment is made in the form of both food stamps and cash, the amount of the food stamp coupons must be applied first to tangible personal property normally subject to the tax, e.g., nonalcoholic carbonated beverages. Retailers are prohibited from adding any amount designated as sales tax, use tax, or sales tax reimbursement to sales of tangible personal property purchased with food stamp coupons. (See paragraph (c) of Regulation 1602.5 for special reporting provisions by grocers.)

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History: Amended September 14, 1955.  
Amended September 13, 1961.  
Amended September 18, 1963.  
Amended September 2, 1965, applicable as amended September 17, 1965.  
Amended October 8, 1968, applicable on and after October 1, 1968.  
Amended November 3, 1969, effective as amended January 1, 1970.  
Amended December 10, 1969, applicable as amended January 1, 1970.  
Amended and renumbered June 5, 1970, effective July 9, 1970.  
Amended June 19, 1970, effective July 23, 1970.  
Amended November 5, 1970, effective December 10, 1970.  
Amended May 12, 1971, effective June 13, 1971, as a restatement.  
Amended September 15, 1971, effective October 1, 1971.  
Amended December 15, 1971, applicable on and after January 1, 1972.  
Amended February 16, 1972, effective March 25, 1972.  
Amended September 14, 1972, effective September 15, 1972.  
Amended October 17, 1973, effective November 18, 1973.  
Amended October 8, 1974, effective October 10, 1974. Noted effect of change of definition of "institution."  
Amended December 19, 1974, effective January 26, 1975. Clarified tax exempt sales of hot food to interstate air carriers, reorganized (d) and (e), and added (n) on reference to section on tax exempt sales by nonprofit youth sports organizations.  
Amended September 19, 1975, effective October 26, 1975. Corrected references and clarified the taxable status of sales of hot bakery goods and hot beverages, of vending machine sales, and of credited tips against the minimum wage.  
Amended December 17, 1975, effective January 1, 1976. Noted that employers can no longer credit tips against wages of employees and deleted references to such credit of tips as taxable receipts.  
Amended September 28, 1978, effective November 18, 1978. Amends (i) (2) (A) and (c) (4); adds (i) (2) (B) and (o).  
Amended April 9, 1980, effective July 6, 1980. In Subsection (k) deleted "section 1 1/2" and added "subdivision (f) of Section 3 of Article XIII of the State Constitution." Added to Appendix A all blanks except "Purchasing Air Carrier."  
Amended April 1, 1981, effective August 19, 1981. In (1) changed "inmates" to "residents". Added (p).  
Amended May 9, 1984, effective September 12, 1984. In (d) (1) added reference to Regulation 1574; in (i) (2) (A) and (i) (3) deleted reference to 33 percent of gross receipts from sale of cold food products sold for more than 15 cents; and in (i) (2) (A) deleted reference to Regulation 1574.  
Amended April 9, 1985, effective June 27, 1985. A new subdivision (c) was added to interpret and explain the 1984 amendments to Section 6359. Subdivisions (d) through (p) were relettered to (e) through (q) consecutively. Subdivision (f), formerly designated (e) was changed by deleting obsolete language which was contrary to the provisions of Section 6359, as amended by Chapter 930, Statutes of 1984, and there were corrections of cross references.  
Amended May 6, 1986, effective July 24, 1986. In subdivision (d) (1), amended regulation to include marinas, campgrounds, and recreational vehicle parks. In subdivision (o), amended regulation to limit organizations covered by regulation, and made the organizations consumers of certain items of tangible personal property.  
Amended August 24, 1988, effective November 19, 1988. In subdivision (s) amended to provide that certain items purchased with food stamp coupons are exempt from sales and use taxes. In subdivision (r) amended to provide guidance with reference to free meals provided by restaurants under a sales promotional plan.  
Amended August 1, 1989, effective October 15, 1989. Subdivision (m), added the explanation that tax does apply to sales of meals and food products to persons other than patients or residents.  
Amended March 17, 1992, effective July 3, 1992. Divided former paragraph (j) (1) into (A) Food Products, as defined in Regulation 1602, and (B) Meals, which includes a tax application to food and non-food products; deleted "or equivalent organizations" in paragraph (j) (2) (B); corrected various references, printing errors and numbering; adding footnote 1 to paragraph (b).  
Amended October 26, 1993, effective February 20, 1994. Amended subdivision (j) (1) (B) to delete "snack food" as an example of nonfood product; amended subdivisions (b) and (c); added (c) (1) (B), (c) (2) and (c) (3) to clarify the application of the 80 - 80 rule.

*Regulations are issued by the State Board of Equalization to implement, interpret or make specific provisions of the California Sales and Use Tax Law and to aid in the administration and enforcement of that law. If you are in doubt about how the Sales and Use Tax Law applies to your specific activity or transaction, you should write the nearest State Board of Equalization office. Requests for advice regarding a specific activity or transaction should be in writing and should fully describe the facts and circumstances of the activity or transaction.*

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**APPENDIX A**

**CALIFORNIA SALES TAX EXEMPTION CERTIFICATE  
SUPPORTING EXEMPTION UNDER SECTION 6359.1**

The undersigned certifies that it is an air carrier engaged in interstate or foreign commerce and that the hot prepared food products purchased from \_\_\_\_\_ will be consumed by passengers on its flights.

The undersigned further certifies that it understands and agrees that if the property purchased under this certificate is used by the purchaser for any purpose other than that specified above, the purchaser shall be liable for sales tax as if it were a retailer making a retail sale of the property at the time of such use, and the sales price of the property to it shall be deemed the gross receipts from such sale.

Date Certificate Given \_\_\_\_\_

Purchasing Air Carrier \_\_\_\_\_  
(COMPANY NAME)

Address \_\_\_\_\_

Signed By \_\_\_\_\_  
(SIGNATURE OF AUTHORIZED PERSON)

\_\_\_\_\_  
(PRINT OR TYPE NAME)

Title \_\_\_\_\_  
(OWNER, PARTNER, PURCHASING AGENT, ETC.)

Seller's Permit No. (if any) \_\_\_\_\_